

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CIENA CORPORATION, a Delaware :  
Corporation, and :  
CIENA PROPERTIES, INC., a :  
Delaware Corporation, :  
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 :  
 Plaintiffs, :  
 :  
 :  
 v. : Civil Action No. 00-662-JJF  
 :  
 CORVIS CORPORATION, a Delaware :  
Corporation, :  
 :  
 :  
 Defendant. :

**AMENDED INJUNCTION ORDER**

At Wilmington, this 7th day of January 2005, for the reasons discussed in the Memorandum Opinions issued on September 9, 2004 and January 7, 2005,

IT IS HEREBY ORDERED that:

1. The Motion For The Immediate Entry Of An Injunction filed by Plaintiffs CIENA Corporation and CIENA Properties, Inc. (D.I. 561) is GRANTED with respect to United States Patent No. 5,938,309 and United States Patent No. 5,504,609.

2. Pursuant to 35 U.S.C. § 283, Corvis Corporation, and its officers, agents, servants, employees, attorneys, successors, assigns, subsidiaries, and those persons in active concert or participation with them who receive notice of this judgment by personal service or otherwise are hereby enjoined during the term of United States Patent No. 5,938,309 (the “‘309 patent”) from:

(a) making, using, offering to sell, or selling within the United States or importing into the United States (as defined in 35 U.S.C. 271(a)) any system that infringes the adjudicated claims of the '309 patent;

(b) actively inducing the infringement of the adjudicated claims of the '309 patent (as defined in 35 U.S.C. § 271(b)); and

(c) offering to sell or selling within the United States or importing into the United States any component especially made or especially adapted for use in an infringement of the adjudicated claims of the '309 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use (as defined in 35 U.S.C. § 271(c)), such components including, but not limited to, the Corvis OC-192 Transceiver Module, the Corvis Optical Network Gateway, the Corvis Transmitter Module, and the Corvis Receiver Module.

3. Pursuant to 35 U.S.C. § 283, Corvis Corporation, and its officers, agents, servants, employees, attorneys, successors, assigns, subsidiaries, and those persons in active concert or participation with them who receive notice of this judgment by personal service or otherwise are hereby enjoined during the term of United States Patent No. 5,504,609 (the "'609 patent") from:

(a) making, using, offering to sell, or selling within the United States or importing into the United States (as defined in 35 U.S.C. § 271(a)) any system that infringes the adjudicated

claims of the '609 patent;

(b) actively inducing the infringement of the adjudicated claims of the '609 patent (as defined in 35 U.S.C. § 271(b)); and

(c) offering to sell or selling within the United States or importing into the United States any component especially made or especially adapted for use in an infringement of the adjudicated claims of the '609 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use (as defined in 35 U.S.C. § 271(c)), such components including, but not limited to, the Corvis Optical Network Gateway, the Corvis Transmitter Module, and the Corvis Receiver Module.

JOSEPH J. FARNAN, JR.  
UNITED STATES DISTRICT JUDGE